

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHRISTOPHER CAVALLARO,

Plaintiff,

v.

Civil Action No. 04-cv-12512RWZ

PERFORMANCE MARINE ASSOCIATES
INSURANCE SERVICES, INC. and
ACE AMERICAN INSURANCE COMPANY,

Defendants,

SETTLEMENT STATUS REPORT

Pursuant to the Court's January 28, 2005 Scheduling Order the parties report on the status of settlement negotiations.

On January 31, 2005 plaintiff was apparently served a summons and complaint by two third-party passengers injured in the July 19, 2003 boat accident: Griffiths-Fellini and Wedge v. Fellini and Cavallaro, Norfolk County C.A. No. 05-00099.

In view of that suit, the parties in this case agree its settlement is unlikely and summary judgment determination of coverage is appropriate. It is anticipated that a deposition of a Performance Marine Associates employee in Florida will be noted by plaintiff and that defendants will move for summary judgment sooner than the July 14, 2005 dispositive motion filing date.

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RESPECTFULLY SUBMITTED this 10th day of February 2005.

DAVID J. FARRELL, JR.
Attorney for Ace American Insurance Company

/s/ David J. Farrell, Jr.
BBO # 559847
2355 Main Street
P.O. Box 186
S. Chatham, MA 02659
(508) 432-2121

SCHWARTZ & HORWITZ, P.A.
Attorneys for Performance Marine Associates Insurance Services, Inc.

/s/ Mark A. Hruska
Steven G. Schwartz
Mark A. Hruska
3303 NW Boca Raton Boulevard, Suite 200
Boca Raton, FL 33431
(561) 395-4747

PIERCE, DAVIS & PERRITANO, LLP
Attorneys for Performance Marine Associates Insurance Services, Inc.

/s/ John J. Davis
BBO # 115890
Ten Winthrop Square
Boston, MA 02210
(617) 350-0950

D'ANGELO & HASHEM, LLC
Attorneys for Christopher Cavallaro

/s/ Stephen L. D'Angelo
BBO # 640900
6 Beacon Street, Suite 505
Boston, MA 02108
(617) 624-9777

Certificate of Service

I certify I served this report on Attys Hruska
and D'Angelo by mail on 2/10/05.

/s/David J. Farrell, Jr.